

Message Text

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PAGE 01 OTTAWA 02491 172134Z

11

ACTION EB-11

INFO OCT-01 EUR-25 IO-14 ISO-00 AGR-20 CEA-02 CIAE-00

COME-00 DODE-00 FRB-02 H-03 INR-10 INT-08 L-03 LAB-06

NSAE-00 NSC-10 PA-04 RSC-01 AID-20 CIEP-02 SS-20

STR-08 TAR-02 TRSE-00 USIA-15 PRS-01 SPC-03 OMB-01

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FM AMEMBASSY OTTAWA

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E.O. 11652: N/A

TAGS: ETRD, GATT, CA

SUBJECT: GATT ARTICLE XIX- CHERRIES CONSULTATIONS

PASS AGRICULTURE

REF: (A) STATE 193010; (B) OTTAWA 2451; (C) STATE 204171

1. SUMMARY. CONSULTATIONS WERE INCONCLUSIVE, WITH CANADIANS TAKING POSITION THAT DISCUSSION OF COMPENSATION FOR SURTAX ON SWEET CHERRIES WOULD HAVE TO AWAIT FURTHER DISCUSSION OF INTERPRETATION OF ARTICLE XIX. CANADIANS AGREED TO JOIN U.S. IN EXTENDING ARTICLE XIX 3(A) DEADLINE ANOTHER 90 DAYS BEYOND NOVEMBER 1. END SUMMARY.

2. AT MEETING OCTOBER 16 CANADIANS, WITH RODNEY GREY ACTING AS SPOKESMAN DURING FIRST PART OF SESSION, REPEATED ARGUMENTS REPORTED IN OTTAWA 2451, ASSERTING U.S. NOT ENTITLED TO COMPENSATION IF CANADIAN ACTION " WARRANTED" UNDER ARTICLE XIX AND ASKING US TO CLARIFY OUR INTERPRETATION. U.S.

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PAGE 02 OTTAWA 02491 172134Z

SIDE INDICATED DISAGREEMENT WITH CANADIAN POSITION PER

STATE 204171 AND ATTEMPTED TO CONFINE ISSUED TO PARTICULAR CASE AT HAND. CANADIANS SUGGESTED THAT IN VIEW DISAGREEMENT ON MATTER OF PRINCIPLE U.S. AND CANADA JOINTLY ASK GATT SECRETARIAT FOR INTERPRETATION OF ISSUE, OR, AS INTER-MEDIATE STEP, THAT WE HAVE FURTHER BILATERAL CONSULTATIONS ON THIS SUBJECT. THEY ALSO SAID THEY WOULD WELCOME DETAILED U.S. LEGAL BRIEF ON POSITION, INDICATING WHETHER THERE WERE CIRCUMSTANCES UNDER WHICH U.S. WOULD NOT REQUEST COMPENSATION FOR ARTICLE XIX ACTIONS. THEY STATED THEY HAD NO AUTHORITY TO DISCUSS COMPENSATION ON CHERRIES AND SUCH DISCUSSION WOULD HAVE TO AWAIT FURTHER CLARIFICATION OF BROADER "THEOLOGICAL" ISSUES. U.S. SIDE SAID IT WOULD CONVEY CANADIAN VIEWS TO WASHINGTON. CANADIANS SAID THEY WILLING IN MEANTIME TO EXTEND GATT DEADLINE BY FURTHER 90 DAYS AND THIS AGREED.

3. CANADIANS, WITH CRAIG OLIVER IN CHAIR, THEN AGREED "WITHOUT PREJUDICE" TO HEAR U.S. COMPENSATION REQUEST. U.S. REPS PUT FORWARD \$1,974,000 TRADE COVERAGE FIGURE AND EXPLAINED METHOD OF CALCULATION. ALSO MENTIONED ITEMS ON WHICH COMPENSATION SHOULD BE CONSIDERED PER TSC PAPER. CANADIANS TOOK NOTE AND ASKED SOME QUESTIONS. THEY INDICATED INFORMALLY THEY MIGHT DO SOME HOMEWORK ON REQUEST EVEN THOUGH THEY COULD NOT DISCUSS COMPENSATION AT PRESENT TIME. THEY ALSO SUGGESTED U.S. HAD ALREADY RECEIVED SUBSTANTIAL BENEFITS FROM DUTY REDUCTIONS ANNOUNCED IN BUDGET LAST FEBRUARY, AND THAT THIS SHOULD BE TAKEN INTO ACCOUNT IN ANY REQUEST FOR COMPENSATION.
SCHMIDT

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